

contractors of the books. In case such complaint does not receive reasonably prompt attention, complaint shall be taken to the county judge, who shall proceed in accordance with the provisions of this Act (Section 6). Trustees of unorganized counties shall make complaint to the county judge of the county to which said unorganized county is attached for judicial purposes.

Section 19. In making requisitions for supplementary books, teachers shall designate their first, second, third choice, etc., to the limit of the sets of supplementary books adopted, and such reports shall be furnished to the State Superintendent, and said supplementary books shall be issued according to rules prescribed by the State Superintendent of Public Instruction. Requisitions for supplementary books may be made at convenient times during the session, but must be made within one month in advance of the time the books will be needed.

Section 20. Immediately upon the taking effect of this Act, it shall be the duty of the State Superintendent of Public Instruction to notify all parties holding contracts for the sale of text books for use in the public schools of this State to the effect that the State of Texas has taken over the contracts now existing and will purchase books thereunder according to their terms.

Section 21. A wilfull violation of any provision of this Act by any person other than text book contractor shall be a misdemeanor punishable by fine of not less than \$5.00 nor more than \$100.00.

Section 22. The furnishing to the pupils and patrons of the schools of this State of free text books shall not begin under the terms of this Act until the commencement of the scholastic term of 1919-1920.

Section 23. All necessary expenses incurred by the operation of this Act incident to the enforcement of this law shall be paid from the State text book fund herein provided for upon bills approved by the State Superintendent of Public Instruction, and shall be paid upon warrants drawn by the Comptroller upon the Treasury of the State.

Section 24. Should any sections or any part of this Act be declared unconstitutional it shall not affect any other part of this Act.

Section 25. The fact that the people of this State at the last general election amended the Constitution of this State to provide for free text books for the school children of this State, and that there is an urgent demand that a law be passed putting the constitutional amendment into effect, creates an emergency and an imperative public necessity demanding the suspension of the rule requiring bills to be read upon three several days, and such rule is so suspended and this Act shall take effect from and after its passage, and it is so enacted.

### THIRTY-FIRST DAY.

Senate Chamber,  
Austin, Texas, Feb. 25, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hall.
Bailey.	Hertzberg.
Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent—Excused.

Buchanan of Bell. Sulter.  
Gibson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Faust.

Excused.

Senator Sulter was excused for to-day on account of important business, on motion of Senator Hopkins.

Petitions and Memorials.

See Appendix.

**Standing Committee Reports.**

See Appendix.

**Bills and Resolutions.**

By Senator Bell:

S. B. No. 338, A bill to be entitled "An Act to create the Goodnight Independent School District in Armstrong County, Texas, out of the territory now known as Goodnight School District No. 5 in said county, defining its boundaries and providing for the election of trustees therefor and authorizing the board of trustees to levy, assess and collect special taxes, conferring upon the board of trustees plenary powers, providing authority to issue bonds for the purpose of purchasing school buildings, sites and erecting, furnishing and equipping school buildings within the said district, to levy taxes therefor and to pay current expenses for the support and maintenance of said schools, providing for a board of equalization and prescribing the duty and authority of said board, and further prescribing the duty and authority of said board of trustees, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore levied, and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs.

By Senator Dean:

S. B. No. 339, A bill to be entitled "An Act changing and fixing the times of holding the courts in the Twelfth Judicial District of Texas, and declaring an emergency."

Read first time, and referred to Committee on Judicial Districts.

By Senator Johnston:

S. B. No. 340, A bill to be entitled "An Act to increase and fix the salary of the Superintendent of Public Instruction of Harris County, Texas, providing for office expenses, repealing all laws in conflict therewith, and declaring an emergency."

Read first time and referred to the Committee on Educational Affairs.

By Senator Hertzberg:

S. B. No. 341, A bill to be entitled "An Act to amend Article 7066, Chapter 4, Title 120, of the Revised Civil Statutes of Texas of 1911, fixing the salaries of the superintend-

ents of certain asylums, and declaring an emergency."

Read first time, and referred to Committee on Finance.

**Message From the House.**

Hall of the House of Representatives, Austin, Texas, Feb. 25, 1919.

Lieutenant Governor W. A. Johnson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has

Concurred in Senate amendments to H. B. No. 378;

And the House has passed

H. B. No. 497, A bill to be entitled "An Act to amend Section 19 of the Special Road Law for Houston County, passed by the Regular Session of the Thirty-fifth Legislature, and approved March 8, 1917, so as to authorize the Commissioners' Court of said county to issue 'deficiency' and other warrants on the road and bridge fund of said county in certain cases and for certain purposes, and to authorize said court to issue time warrants and any other evidence of debt against said fund for the payment, extension or liquidation of any debt now existing against such fund, and declaring an emergency."

Respectfully submitted,

T. B. REESE,  
Chief Clerk, House of Representatives.

**Bill Read and Referred.**

The Chair, Lieutenant Governor Johnson, had referred, after its caption had been read, the following:

House Bill No. 497, referred to the Committee on Roads, Bridges and Ferries.

**Simple Resolution No. 75.**

Resolved, That all regular porters, excepting the head porter and mailing porter, be paid \$2.50 a day, effective today.

CALDWELL.

Senator Caldwell moved its adoption.

Senator Page moved as a substitute that the resolution be referred to the Committee on Contingent Expenses.

The substitute was adopted, and the resolution accordingly referred.

#### Simple Resolution No. 76.

Whereas, A most excellent painting of Stephen F. Austin, "Pioneer of the Wilderness" and "Father and Founder of Texas," has been presented to the State through His Excellency, Governor W. P. Hobby, by Hon. Guy M. Bryan, nephew of Stephen F. Austin, which painting now adorns the walls of this Chamber; therefore, be it

Resolved, That the Senate of Texas, representing this Commonwealth, now accept this priceless treasure in the spirit it has been presented and extend to Mr. Bryan the thanks of the people of Texas, knowing that as from day to day we as the representatives of a glorious people look upon the likeness of this nobleman and as coming generations shall receive inspiration from this benign face, that the great principles for which he gave his life shall actuate a grateful people to a faithful performance of a duty as we enjoy the legacy bequeathed to us by his prowess and patriotism.

SMITH.

On motion of Senator Smith, the resolution was laid on the table until Friday morning next.

#### Bills Signed.

The Chair, Lieutenant Governor Johnson, gave notice of signing, and did sign in the presence of the Senate after their captions had been read, the following:

S. B. No. 195, A bill to be entitled "An Act to create a common county line school district to be known as the Lone Cedar District, to be under the jurisdiction, management and control of the county school board of Ellis county, Texas, to be composed of the territory described in this Act and defining the rights, powers and privileges of such district, and declaring an emergency."

S. B. No. 251, A bill to be entitled "An Act creating the Garwood Independent School District in Colorado county, Texas, and defining its boundaries, and providing for the

election of a board of trustees to manage and control the public free schools within said district, naming the fiscal year as to taxes, vesting said district with all the powers, rights and duties of independent school districts formed for free school purposes only, and providing that said board of trustees shall have such authority as is now or may be hereafter conferred by the general laws of the State of Texas upon boards of public school trustees of independent school districts, and declaring an emergency."

#### Senate Bill No. 286—Recommitted.

By unanimous consent and on request of Senator Dorrough, Senate Bill No. 286 was recalled from the printer and recommitted to the Committee on Civil Jurisprudence.

Morning call concluded.

#### Senate Bill No. 161—Reconsidered.

By unanimous consent Senator Dayton moved to reconsider the vote by which Senate Bill No. 161 was passed finally.

The motion prevailed by unanimous vote.

The Chair laid before the Senate on third reading:

S. B. No. 161, A bill to be entitled "An Act to make certain emergency appropriations out of the general revenue for the Live Stock Sanitary Commission for the fiscal year ending August 31, 1919, and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Dayton, was passed by the following vote:

Yeas—24.

Alderdice.	Dorough.
Bailey.	Dudley.
Bell.	Faust.
Buchanan of Scurry.	Floyd.
Caldwell.	Hall.
Carlock.	Hertzberg.
Cousins.	Hopkins.
Dayton.	Johnston.
Dean.	McNealus.

Page. Williford.  
Parr. Witt.  
Strickland. Woods.

Absent.

Clark. Westbrook.  
Smith.

Absent—Excused.

Buchanan of Bell. Suiter.  
Gibson.

# **Senate Bill No. 99—Conference Committee Report.**

Committee Room,  
Austin, Texas, Feb. 24, 1919.  
Hon. W. A. Johnson, President of  
the Senate.  
Hon. R. E. Thomason, Speaker of  
The House.

Gentlemen: We, your Free Conference Committee, on the part of the Senate and House, to whom was referred Senate Bill No. 99, with amendments thereto, placed thereupon in its passage in the House, beg leave to report that we have, after due deliberation, reconciled our differences with respect to the said bill, and report same herewith, and recommend for passage the said bill as agreed to in joint conference.

Respectfully submitted,

CARLOCK.

DEAN.

BELL.

HALL.

BAILEY.

Conferees on the part of the Senate.

BROWN of Tarrant.

WILLIAMS.

COX.

MILLER of Dallas.

BLEDSON.

Conferees on the part of the House.

The report was read and on motion of Senator Carlock, was laid on the table subject to call.

The bill in full is as follows:

By Com. S. B. No. 99.  
(As Agreed to in Joint Conference.)

A BILL

To Be Entitled.

An Act to amend Article 317, Title 12, of Revised Civil Statutes of Texas, 1911, and repealing Articles 309, 310, 311, 312, 313, 314, 315, 316, 318, 319, 320 and 321, of Title 12, of the Revised Civil Statutes of the State of Texas, and making provi-

sions regulating the licensing of Attorneys at Law in the State of Texas, prescribing their qualifications, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Article 317, Title 12, of the Revised Civil Statutes of Texas, shall be amended so as to hereafter read as follows:

"Section 1. From and after the taking effect of this law there shall be one Board of Examiners for the State of Texas. This board shall consist of five lawyers, having the qualifications required of members of the Supreme Court of the State. They shall be appointed by the Supreme Court and shall each hold office for a period of two years, and until his successor shall be appointed, and shall qualify. They shall be required to take the Constitutional Oath of Office.

Section 2. It shall be the duty of this board, acting under the instructions of the Supreme Court, as hereinafter provided, to pass upon the eligibility of all candidates for examination for license to practice law within this State, and to examine thoroughly such of these as may show themselves eligible therefor, as to their qualifications to practice law.

This Board shall not recommend any person for license to practice law unless such person shall affirmatively show to the Board, in the manner to be prescribed by the Supreme Court, that he is of such moral character and of such capacity and attainment that it would be of advantage to the public, and particularly to any community in which he may follow his profession, for him to be licensed.

Section 3. The Supreme Court is hereby authorized and empowered to make any and all rules and regulations which, in its judgment, may be proper and expedient to govern eligibility for such examination, and the manner of conducting the same, covering, among other points, proper and effective guarantee to insure:

(a) Good moral character on the part of each candidate for license.

(b) Adequate pre-legal study and attainment.

(c) Adequate study of the law for a period of at least two years,

covering the course of study prescribed by the Supreme Court, or the equivalent of such course, before coming to the examination.

(d) The legal topics to be covered by such study and by the examination given.

(e) The time and place for holding the examinations, the manner of conducting same and the grades to be made by the candidates to entitle them to be licensed, provided that whenever as many as five applicants shall request the Board to conduct an examination in any particular town or city convenient to their place of residence, the examination of such applicants shall be conducted at such town or city at some suitable time, to be determined by the Board.

(f) Any other such matters as shall be desirable in order to make the issuance of a license to practice law evidence of good character, and fair capacity and real attainment and proficiency in the knowledge of law.

Section 4. The fee for such examination shall be fixed by the Supreme Court, not to exceed Twenty (\$20.00) Dollars for each candidate, which shall be paid to the Clerk of the Supreme Court at the time the application for examination is made. The money thus obtained shall be used:

First: To pay all legitimate expenses incurred in holding the examination, and

Second: As compensation to the Members of the Board under such regulations as shall be agreed upon by the Board or determined by the Supreme Court.

Section 5. The several examiners shall be subject to removal by the Supreme Court for incompetency, indifference, or inattention to duty.

Section 6. It is hereby declared to be the duty of the Supreme Court, by general order to that effect, to exempt graduates of such law schools as may be approved by the Supreme Court for taking any examination as to pre-legal or legal studies and attainments, but such graduates must, in all instances, furnish evidence as to moral character required of candidates; provided that every law

school in this State shall be approved for this purpose which maintains the following standards:

(a) Admission requirements of law equivalent to successful completion of the four years' high school course.

(b) A law curriculum extending over at least three scholastic years, with not less than ten hours' class room work in law a week for each of the three classes respectively.

(c) Standards for credit based upon written examination satisfactory to the Supreme Court.

(d) A law library of not fewer than twenty-five hundred (2500) well selected law books.

Section 7. The Supreme Court shall make such rules and regulations as to admitting attorneys from other jurisdictions to practice law in this State as it shall deem proper and just. All such attorneys must be required to furnish satisfactory proof as to good moral character.

Section 8. The fee for issuing such license shall be One (\$1.00) Dollar, to be paid to the clerk of the Supreme Court at the time the license is issued. Money thus received by the clerk shall be deemed fees of office and must be applied as provided by law as to such fees.

Section 9. No license to practice law in this State shall be issued by any court or authority except by the Supreme Court of the State under the provisions of this Act.

Section 10. Articles 309, 310, 311, 312, 313, 314, 315, 316, 318, 319, 320 and 321 of the Revised Civil Statutes of Texas, of 1911, and all other laws and parts of laws in conflict with this Act are hereby repealed.

Section 11. The importance of the subject matter of this Act, the crowded condition of the calendar and the near approach of the close of the session create an emergency, and an imperative public necessity, demanding that the constitutional rule requiring bills to be read on three separate days be, and the same is hereby suspended, and that this Act shall be in force and effect from and after its passage, and it is so enacted.

**Senate Bill No. 199.**

The Chair laid before the Senate

on special order and on second reading:

S. B. 199, A bill to be entitled "An Act to provide for the sale of oil and gas, coal and lignite, that may be in any of the surveyed or unsurveyed public free school land that is now unsold and which may now be sold, but which may hereafter revert to the public free school fund by forfeiture or other recovery; and the said substances that may be in the University and Asylum lands that are now unsold and that which may hereafter revert to the University or Asylums funds by forfeiture or other recovery; and the said substances that may be in any of the land belonging to said funds that has heretofore been sold with the minerals therein reserved to the fund to which the land belonged; and the said substances that may be in any of said land that has been heretofore sold with a mineral classification and that which may hereafter be sold with a mineral classification and that which may hereafter be sold with the minerals reserved to the fund to which the land belongs; and the said substances that may be in any of said lands that may have been purchased with a relinquishment of the State's islands, salt water lakes, fresh water lakes, bays, inlets, marshes, reefs, river beds and river channels; providing that injunctions shall not delay development of minerals; repealing Chapter 83, Act March 16, 1917, but such repeal shall not affect existing rights, and declaring an emergency."

Senator Buchanan of Scurry, offered the following amendment which was read and adopted:

(1) Amend Senate Bill No. 199 by striking out the word, "cents," in line 19, page 4 and insert in lieu thereof the words "per cent."

On motion of Senator Dayton the bill was set as a special order to follow immediately after the disposition of Senate Bill No. 35, on Wednesday, February 26th.

#### Message From the Governor.

Governor's Office,  
Austin, Texas, Feb. 25, 1919.

To the Texas State Senate:

I ask the advice, consent and confirmation of the Senate in the following appointments:

Hon. D. F. Singleton, Kountze, Hardin county, to be Judge of the 75th Judicial District, vice Hon. J. Llewellyn resigned.

To be Associate Justice of the Court of Civil Appeals for the Fourth Supreme District of Texas:

Hon. T. D. Cobbs of Bexar, vice Hon. P. H. Swearingen, deceased.

Respectfully submitted

W. P. HOBBY,  
Governor of Texas.

The above nominations were referred to the Committee on Governor's Nominations.

#### Message From the Governor.

Governor's Office,  
Austin, Texas, Feb. 24, 1919.

To the Thirty-sixth Legislature of Texas:

The subject of the State Prison System is of sufficient moment to merit special consideration at the hands of the Legislature and the Governor.

The report of the Board of Prison Commissioners for the month of January, 1919, showing the number of convicts under their charge and their respective places of confinement reflects the following facts:

Number of convicts in State prison .....	421
Number of convicts in State insane asylum .....	9
Number of convicts on State-owned farms .....	2309
Number of convicts on leased farms .....	459

Total number of convicts on hand Jan. 31, 1919.....3198

The annual report of the auditor of the State Prison System has been filed in this office and will be printed in pamphlet form for your consideration. I shall quote from this report in a few instances.

Attached to this message, as Exhibit "A," is a statement of the assets and liabilities of the Prison System as of date December 31, 1918. From this statement the total assets of the system appear to be \$9,032,163.71; of this amount, the system holds in cash in banks and with the State Treasurer the sum of \$1,161,962.67. The other items, constitut-

ing its assets, consist in bills receivable, accounts receivable, Texas State Railway property account, prison and farm real estate, machinery, supplies and equipment.

In order to arrive at the liabilities of the system, the total of all appropriations heretofore made for the system is considered its capital in the amount of \$4,756,353.03. The appreciation of the value of its properties is considered its surplus in the amount of \$1,565,172.47, brought forward January 1, 1918. The appreciation, profit and gains of the system for the year 1918 are considered a new addition to the capital and surplus in the amount of \$1,414,662.67. This compilation makes a total of capital, surplus and profits in the amount of \$7,737,188.17. The other items, constituting liabilities of the system, consist in first mortgage bonds, the pay roll, audited vouchers, bills and accounts payable, unpaid interest on land notes and unpaid taxes for the year 1918, rendering the total liabilities \$9,032,163.71.

By reference to the financial statement of the auditor, it appears that all of the State farms were operated at a profit to the system, with the following exceptions: Goree State Farm (the woman's farm), Retrieve Farm and Wynne State Farm, which together netted a loss of approximately \$20,000.00. On the other hand, no other enterprise maintained and fostered by the system netted a profit to the system, with the following exceptions: The shoe shop, cabinet shop, printing plant, which together carried forward a gain of approximately \$15,000.00. Consequently, the entire net gain for the year of 1918 of \$1,414,662.67 was from the farming operations of the system.

The State of Texas owns for its Prison System 72,550 acres; of this land there is in cultivation 42,303 acres. The State operated under lease last year 19,674 acres, of which 17,372 acres were in cultivation. From these figures you will see that the Prison System had in cultivation 59,675 acres, and 92,224 acres under its control.

The approximate total value of crops raised on State land during the past year was \$1,131,000.00. The approximate value of crops raised on leased lands was \$789,685.00. Of

the crops raised on the leased land there was paid in rents approximately, \$192,257.00, leaving a net crop value on leased lands of \$597,428.00.

The State of Texas owns for its Prison System lands which cost, at the time of their original purchase, approximately \$1,500,000.00. The present estimated value of these lands and all improvements thereon is approximately \$4,500,000.00. Hence it is seen that for the use of the leased lands the State paid over 30 per cent of the total crops for rents, whereas on the State-owned lands the net production for the past year was practically the original price paid for the lands and one-fourth the present value of the lands and improvements. The State paid approximately \$192,257.00 for rents and received approximately \$597,428.00 net in crops and the use of 2302 acres of land not in cultivation on its several lease contracts. In other words, the State paid about \$11.00 per acre for the use of the land under lease. Of course, there were some benefits accruing to the State other than in the use of the land, as in some instances teams, etc., were furnished by the lessor.

In the majority of the lease contracts the system retained an option to pay cash rent for the land, or a part of the crop as rent. The Prison Commissioners, in their judgment, exercised the crop rental option. In so doing, approximately \$192,257.00 was paid for rents, whereas approximately \$75,235.00 would have been paid had the cash rental option been exercised. The State lost \$117,022.00 in this transaction. While the Board of Prison Commissioners were within their legal rights in exercising the crop rental option, it was contrary to my best judgment.

I wish to submit to the Legislature an outline of the policy which I will urge upon the Commissioners in the management of the Penitentiary System. Experience has demonstrated that the Prison System should confine its interests largely, if not entirely, to farming interests. It is better for the health and well-being of the convicts, and it yields the best profits to the system. It is my judgment, too, that the aim and purpose now should be to confine the operations of the Penitentiary System to

lands owned by the system at as early a time as that may be brought about.

The Prison System now operates the following farms owned by the State:

	Acres.
Clemens State Farm.....	8,212
Darrington State Farm.....	6,702
Eastham State Farm.....	13,040
Ferguson State Farm.....	3,550
Goree State Farm.....	1,000
Harlem State Farm.....	5,700
Imperial State Farm.....	5,303
Ramsey State Farm.....	14,955
Retrieve State Farm.....	7,424
Shaw State Farm.....	4,688
Wynn State Farm.....	1,976
Total .....	72,550

I shall point out a method for terminating the lease operations of the State.

The Prison System operated twelve farms last year under one-year contracts, all of which will be cancelled after the present year.

There are six contracts other than the one-year contracts which it will be necessary to dispense with before the State can dissolve partnership in the farming business. These contracts are as follows:

John D. Rogers Lease: 3292 acres; lease dated January 1, 1917, for period of five years; rental \$12.00 per acre or 40 per cent of all cotton produced and 50 per cent of all corn produced; purchase option at \$60.00 per acre at any time within life of lease.

R. F. Ransom Lease: 1386 acres; lease dated January 1, 1917, for period of five years; rental, \$6.00 per acre or 25 per cent of crops; no option to buy.

Bassett Blakely Lease (Biggs Place): 1386 acres; lease dated January 1, 1917, for period of five years; rental \$5.00 per acre or 25 per cent of crops; no option to buy.

Bassett Blakely Lease (Turner Place): 1000 acres; lease dated January 1, 1917, for period of five years; rental \$7.00 per acre or 25 per cent of crops; no option to buy.

Bassett Blakely Lease at Rosenberg: 3000 acres; lease dated January 1, 1917, for period of five years; rental \$15,000 per annum or 25 per cent of all crops produced; purchase option at \$90.00 per acre within life of lease.

Bassett Blakely Lease (Blue Ridge No. 1): 5932 acres; lease dated January 1, 1916, for period of ten years; rental 25 per cent on all crops; purchase option at \$50 per acre within the first five years of life of lease and \$55 after the fifth year of life of lease.

Under my direction, the Prison Commissioners have negotiated with the lessors to bring about an agreement to shorten the life of these contracts so that the State may at the earliest possible date go out of partnership with individuals in the cultivation of land by convicts, the consideration given the lessors by the Penitentiary Commissioners for shortening the contracts being to exclude from the contract the option of the Prison Commission to pay money rent, as well as the option to buy.

It can be arranged to terminate the leases of these prison farms as follows:

By cultivating the farm known as the John D. Rogers place, 3290 acres, for the year 1919, with the understanding that at the end of the year 1919 the lease contract be abrogated.

By cultivating the R. F. Ransom lease, 1386 acres, for the year 1919, with the understanding that at the end of the year 1919 the lease contract be abrogated.

It can be arranged to terminate the Bassett Blakely leases, embracing 10,467 acres, as follows:

(1) By cultivating the Biggs place, 482 acres, for the year 1919, with the understanding that at the end of the year 1919 the lease contract be abrogated.

(2) By cultivating the farm known as the Turner place, 1000 acres, for two years, with the understanding that at the end of the year 1920 the lease contract be abrogated.

(3) By cultivating the Bassett Blakely lease at Rosenberg, 3000 acres, and the Blue Ridge No. 1, 5932 acres, for three years, with the understanding that at the end of the year 1921 the lease contract be abrogated.

This arrangement will enable the State to terminate all contracts for lease land within two years after the present year, while the acreage so leased will be materially decreased each year after the present year. To fulfill the lease contracts now in



force without a change in the terms of these contracts will cause the State to be cultivating lease lands for seven years after the present year. By eliminating the money rent provision of the contracts and the option to buy, the State will terminate its lease arrangements five years earlier than would be the case under present contracts. This plan, in my judgment, is the best for the State to adopt. If put into effect, it will not be necessary for the State to purchase more land, and the convicts may gradually be worked from year to year in preparing for cultivation State lands already owned, and it will be possible to place all of the State-owned lands in readiness for cultivation by this process.

Upon the termination of the lease this year of the John D. Rogers farm the force on this farm, which consists of white men, will be used to clear the land and put in readiness for cultivation such uncleared portions of the Ferguson and Eastham farms as may be needed to give employment to prison labor.

Upon the termination of the lease this year of the Adams place, the Biggs place and the Ransom place, the forces on these farms (colored) will be used to clear the land and put in readiness for cultivation such uncleared portions of the Retrieve, the Ramsey and the Darrington farms as may be needed to give employment to the labor.

Upon the termination of the leases in 1920 and 1921 of the farms now operated by lease there will be through this arrangement, abundant State-owned land ready for cultivation to give employment to all of the prison labor.

The Prison Commission has recommended that the State exercise the option to purchase the Blue Ridge farm, but the purchase has not yet been approved by me. I will not approve the purchase of additional land by the State unless it be authorized by the enactment of a law or by resolution adopted by the Legislature. In my judgment the better plan to adopt is that of gradually getting the State out of partnership with individuals. I, therefore, will approve an arrangement to accomplish this as I have outlined above, rather than the buying of more land, but if the purchase of the Blue Ridge farm is

recommended by your body I will approve the same.

I invite the Legislature to make an investigation of the plan I have set forth before it is finally acted upon, as I believe if it is not in accord with the judgment of the Legislature more good will result from an expression by the Legislature before the plan is consummated rather than after the plan is consummated. I will, therefore, withhold my final approval until after the adjournment of your body.

The Commissioners have adopted with my approval the policy of erecting permanent fireproof structures on farms owned by the State as rapidly as these buildings may be erected by the use of the system's own labor.

The Prison System spent more than a quarter of a million dollars for bacon during the past year. The auditor of the Prison System advises me that even at this price the quality was not the best. The Board of Prison Commissioners will consider the erection of a packing plant for the curing and preserving of meats and its by-products needed by this system. This plan will necessitate the raising of more hogs and cattle, which can be accomplished without material outlay.

When the policy recommended is adopted and the system has paid for all its lands and becomes clear of debt, I believe legislation should be enacted which will cause the convicts to share equally with the State in the profits of the system. It should be provided by law that half of the profits shall go to the convicts, to be divided and paid to the families of the convicts, and, in the absence of dependents, the convict may receive the accumulated portion of his profit upon the completion of his sentence.

Such a plan will give the convicts that pecuniary interest in the system which will cause them to be more alert and concerned in protecting the system's property and will have a most beneficial effect in lessening the need for punishment.

At my request, because of the shortage in time of war, the Commissioners put forth special effort to raise foodstuffs during the past year and with gratifying results, the total production of corn being near 400,000 bushels, worth approximately \$600,000.

It is a source of satisfaction to state that the conduct and deportment of the inmates during the past year has shown improvement, and on the whole was much better than the average. There have been fewer whippings and less cause for imposing the most drastic punishment permitted by law than ever before in the system's history.

I can not too highly commend the Penitentiary System as conducted during the past year and congratulate the Commissioners on the results obtained.

Respectfully submitted,

W. P. HOBBY,  
Governor of Texas.

EXHIBIT "A"—ASSETS AND LIABILITIES,  
December 31, 1918.

<b>Assets—</b>	
Cash in banks and with State Treasurer .....	\$1,161,962.67
<b>Bills receivable—</b>	
Notes bearing 8 per cent interest.....	\$ 1,183.25
Walker County warrants, 5 per cent.....	5,436.90
Walker County gold bonds, 5 per cent....	30,000.00—
Accounts receivable .....	36,620.15
Texas State Railway, property account.....	29,423.22
Texas State Railway, operating account.....	527,382.64
Property account (real estate and live stock).....	114,470.01
Huntsville Prison (machinery and equipment).....	5,015,247.09
Huntsville Prison (furniture and fixtures).....	116,813.08
Huntsville Prison (operating inventory).....	17,311.97
State Farms (operating inventory).....	195,607.02
Lease Farms (operating inventory).....	1,567,954.68
May, R. E., cashier (petty cash).....	247,484.46
Bourn, W. L., mgr. Shaw Farm (petty cash).....	1,000.00
Bud Russell, transfer agent.....	200.00
	686.72
	<hr/>
	\$9,032,163.71
<b>Liabilities—</b>	
<b>Capital and surplus:</b>	
Capital, appropriations .....	\$4,756,353.03
Surplus .....	\$1,565,172.47
Gains, 1918 .....	1,414,662.67—
First mortgage bonds.....	2,979,835.14—
Pay roll (December, 1918).....	\$7,736,188.17
Audited vouchers .....	100,000.00
Bills payable:	19,681.29
Prior to January 1, 1915.....	19,468.48
Land notes .....	
Prior to January 1, 1915.....	\$ 315,032.97
1916, 1917 and 1918.....	765,016.28—
Accounts payable:	1,080,049.25
Prior to January 1, 1915.....	
1916, 1917 and 1918.....	\$ 26,924.92
	7,632.59—
	34,557.51
Unpaid interest on land notes.....	<hr/>
Unpaid taxes, 1918.....	35,556.98
	6,652.03
	<hr/>
	\$9,032,163.71

**Senate Bill No. 283—Special Order.**

By unanimous consent and on motion of Senator Caldwell Senate Bill No. 283 was set as a special order for next Monday at the conclusion of the morning call.

**Senate Bill No. 202.**

Senator Alderdice called up and the

Chair laid before the Senate on second reading:

S. B. No. 202, A bill to be entitled "An Act to amend Chapter 36 of the General Laws passed by the Thirty-fourth Legislature of the State of Texas, 1915, by the addition of Section 2a, relating to the employment of the County Superintendent of Public Instruction by the County School Trustees as provided for in

this Act, and repealing all laws and parts of laws in conflict herewith."

Senator Clark renewed the point of order raised by Senator Suiter on yesterday to the effect that the bill cannot be considered for the reason that it attempts to amend an existing law without re-writing the same.

The Chair over ruled the point of order holding that the bill does not seek to amend or change any existing law but merely to add a new section and comes within the constitutional requirement.

Senator Page offered the following amendment:

(1) Amend Senate Bill No. 202 by adding after the period in line No. 26 the following:

Provided that any County Superintendent elected shall have been a citizen of the county for at least one year prior to his appointment.

Pending.

#### Recess.

At 12:15 o'clock p. m., the Senate on motion of Senator Clark, recessed until 2:30 o'clock, today.

#### After Recess.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Johnson.

#### Senate Bill No. 274.—Rescinded.

Senator Bailey moved to rescind the vote by which Senate Bill No. 274, was passed finally.

The motion prevailed by unanimous vote.

The Chair laid before the Senate on third reading:

S. B. No. 274, A bill to be entitled "An Act creating the Charlotte Independent School District covering the same territory heretofore known as Common School District No. 22 in Atascosa county, Texas, and defining its boundaries; and to provide for the creation of a board of trustees thereof and authorizing the board of trustees to levy, assess and collect special taxes; and conferring upon the board of trustees plenary powers; and providing for the trustees to have power and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing

school buildings within the same; and to levy a tax therefor; and to pay current expenses for maintenance and support of said schools; providing for a board of equalization, and further prescribing the duty and authority of said board of trustees; declaring valid an issue of bonds heretofore made; declaring valid all maintenance tax heretofore voted and repealing all laws in conflict with this Act."

Senator Bailey offered the following amendment which was read and adopted by unanimous vote:

Amend the bill by adding thereto Section 26, as follows:

Section 26. The near approach of the end of the present session of the Legislature, the crowded condition of the calendars of each House and the importance of this Act to the people of Charlotte, Texas, create an emergency and imperative public necessity requiring the constitutional rule that bills be read in each House of the Legislature on three several days be suspended and that this Act take effect from and after its passage and it is so enacted.

Amend the caption of the bill by adding thereto the words "and declaring an emergency."

The bill was laid before the Senate, read third time and, on motion of Senator Bailey, was passed by the following vote:

#### Yeas—26.

Alderdice.	Floyd.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Faust.	Woods.

#### Absent.

Johnston.

#### Absent—Excused.

Buchanan of Bell. Suiter.  
Gibson.

#### Senate Bill No. 293.

The Chair laid before the Senate on second reading:

S. B. No. 293, A bill to be entitled "An Act to permit Texas South-eastern Railroad Company to take up and remove that portion of its railroad lying between Vair and Neff, and to sell and dispose of that portion of its right-of-way included between said two stations and to abandon same and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Strickland, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 293 put on its third reading and final passage by the following vote:

## Yeas—24.

Alderdice.	Floyd.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Page.
Carlock.	Parr.
Clark.	Smith.
Cousins.	Strickland.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Faust.	Woods.

## Present—Not Voting.

Dayton.

## Absent.

Johnston. McNealus.

## Absent—Excused.

Buchanan of Bell. Suiter.  
Gibson.

The bill was laid before the Senate, read third time and, on motion of Senator Strickland, was passed finally.

## Simple Resolution No. 77.

Whereas, the Hon. Thomas J. Martin of Gillespie county, a former distinguished member of the House is in the Capitol,

Therefore be it Resolved, that he be invited to address the Senate and that he be accorded the privileges of the Floor.

HERTZBERG.  
CALDWELL.  
DUDLEY.

The resolution was read and adopted, and Lieutenant Martin ad-

ressed the Senate relating his experiences on the battle-front in France.

## Senate Bill No. 202.

Action recurred upon pending business, Senate Bill No. 202, relating to the appointment of County School Superintendents by the county board of trustees.

The question being upon the amendment offered by Senator Page. (See morning session.)

Senator Alderdice moved to table the amendment and this motion prevailed by the following vote:

## Yeas—15.

Alderdice.	Faust.
Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	Smith.
Cousins.	Strickland.
Dean.	Witt.
Dudley.	

## Nays—11.

Bailey.	Page.
Clark.	Parr.
Dayton.	Westbrook.
Floyd.	Williford.
Hall.	Woods.
McNealus.	

## Absent—Excused.

Buchanan of Bell. Suiter.  
Gibson.

## Pair Recorded.

Senator Dorough (present), who would vote Aye; Senator Suiter (absent), who would vote No.

Senator Page offered the following amendment which was read and adopted:

(1) Amend Senate Bill No. 202 by adding after the period in line 26 the following:

Provided that no person shall be elected County Superintendent unless he shall have been a citizen of the United States and of the State of Texas for at least one year immediately preceeding his election.

Senator Floyd offered the following amendment:

Amend Senate Bill No. 202, page 1, at end of line 21, by striking out the word "two" and insert in lieu thereof the word "one."

The amendment was lost.

Senator Williford offered the following amendment:

Amend Senate Bill No. 202 by adding at the end of Section 2a the following:

Provided, that this Act shall not apply to any county until the proposition to elect a county superintendent as herein directed shall have first been submitted to the qualified voters of such county, and such proposition adopted by a majority of those voting at the election.

Senator Hopkins raised the point of order that under the holding of Court of Criminal Appeals in a pool hall case, that this amendment, if adopted, would make the bill unconstitutional.

The Chair sustained the point of order.

Senator Dorrough offered the following amendment:

Amend Senate Bill No. 202 by striking out the period at the end of line No. 26 and adding the following:

"And on September 1st, 1922 and every two years thereafter, a county superintendent of public instruction shall be elected by the county school trustees who shall hold this office for a term of two years, or until the election and qualification of his successor.

Senator Dorrough moved the previous question on the adoption of the amendment and the passage of the bill to its engrossment, which motion being duly seconded the previous question was ordered.

The amendment was adopted by the following vote:

Yeas—19.

Alderdice.	Faust.
Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	Page.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Witt.
Dorough.	Woods.
Dudley.	

Nays—5.

Clark.	Westbrook.
Floyd.	Williford.
Strickland.	

Present—Not Voting.

Hall.

Absent.

Bailey. McNealus.

Absent—Excused.

Buchanan of Bell. Suiter.  
Gibson.

The bill was read second time and ordered engrossed by the following vote:

Yeas—14.

Alderdice.	Faust.
Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	Smith.
Dean.	Strickland.
Dudley.	Witt.

Nays—12.

Bailey.	McNealus.
Clark.	Page.
Cousins.	Parr.
Dayton.	Westbrook.
Floyd.	Williford.
Hall.	Woods.

Absent—Excused.

Buchanan of Bell. Gibson.

Pair Recorded.

Senator Dorrough (present), who would vote aye; Senator Suiter (absent), who would vote nay.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, Feb. 24, 1919.

Lieutenant Governor W. A. Johnson,  
President of the Senate.

Sir: I am directed by the House to inform the senate that the House has passed the following bill:

H. B. No. 456, A bill to be entitled "An Act to prohibit the sale under execution, deed of trust, mortgage or lien on property belonging to soldiers and sailors in the service of the United States, or those who have served as such, during the present war until twelve months after their discharge, and declaring an emergency."

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

#### Bill Read and Referred.

The Chair, Lieutenant Governor

Johnson, had referred, after its caption had been read, the following House bill:

H. B. No. 456, referred to the Committee on Civil Jurisprudence.

#### Senate Bill No. 90.

The Chair laid before the Senate on second reading:

S. B. No. 90, A bill to be entitled "An Act to amend Article 868 of the Code of Criminal procedure of the State of Texas, providing for judgment in cases where the punishment is other than by pecuniary fine."

The bill was read second time and, on motion of Senator Woods the same was ordered engrossed.

#### Senate Bill No. 44.

Senator Smith called up and the Chair laid before the Senate on second reading:

S. B. No. 44, A bill to be entitled "An Act to amend Sections 1 and 2 of an Act approved April 4, 1917, Chapter 192, S. B. No. 167, entitled 'An Act to provide whole family protection for members of fraternal benefit societies, and declaring an emergency.'"

Senator Smith offered the following amendments which were read and adopted:

(1) Amend Senate Bill No. 44 by adding thereto Section 2a, to read as follows:

Section 2a. The provisions of this Act shall apply only to fraternal benefit societies that have been operating in this State for at least five years.

(2) Amend caption to Senate Bill No. 44 by inserting after the word "societies" the following:

"So as to permit fraternal benefit societies that have been operating in this State five (5) years to insure children from one to eighteen years of age, and to insure other than children of members of said society."

Senator Dean offered the following amendment:

(3) Amend Senate Bill No. 44 by changing the period to a comma at the end of line 9, page 2, and by adding the following:

"And further provided, that upon all policies of insurance written by any fraternal benefit society admitted to do business in this State upon the

lives of children not dependent upon members of such society for support, or upon the lives of persons who are not members of any such society, such fraternal benefit society shall at all times maintain on all such policies issued a full legal reserve as now required by law to be maintained by incorporated life insurance companies organized under the laws of this State, and all such reserves shall be invested at all times in Texas securities as now defined by the insurance laws of this State, and kept on deposit with the State Treasurer for the protection of such policy holders."

Senator Smith moved to table the amendment and this motion was lost by the following vote:

Yeas—7.

Clark.	Smith.
Dorough.	Williford.
Hopkins.	Witt.
Parr.	

Nays—17.

Bailey.	Floyd.
Buchanan of Scurry.	Hall.
Caldwell.	Hertzberg.
Carlock.	Johnston.
Cousins.	Page.
Dayton.	Strickland.
Dean.	Westbrook.
Dudley.	Woods.
Faust.	

Absent.

Bell.	McNealus.
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Absent—Excused.

Gibson.	Suiter.
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Pair Recorded.

Senator Alderdice (present), who would vote aye; Senator Buchanan of Bell (absent), who would vote nay.

The amendment was then adopted.

Senator Dean offered the following amendments which were read and adopted, severally:

(4) Amend the printed bill by changing the period to a comma after the word "society" in line 27, page 1, and insert the following:

"Provided that no certificate issued as provided in this Act, nor any reserve or surplus accumulated to the credit of any person who has been insured as provided by this Act, shall be transferable by the parent order unless such parent order's valuation, shows a valuation of not less than

ninety per cent solvent, when valued upon the basis of the National Fraternal Congress Table of Mortality, as adopted by the National Fraternal Congress, August 23, 1899, with interest assumption not more than four per cent per annum."

(5) Amend Senate Bill No. 44 by inserting at the end of Section 1 between lines 22 and 23 on page 2 of the bill Section 1a, as follows:

Section 1a. All fraternal benefit societies writing insurance for any other person or persons than regularly initiated members in good standing or children or dependents of such members shall be subject to all laws of Texas regulating the operation of incorporated life insurance companies and subject to all supervision and regulation by the Department of Insurance and Banking of this State now provided by law with reference to the operation of insurance companies as now defined by the laws of this State.

(6) Amend Senate Bill No. 44 by inserting immediately after the end of Section 1a and before the beginning of Section 2 the following:

All agents, solicitors and collectors representing any fraternal benefit society writing certificates or policies of insurance in this State for any child covered by the provisions of this bill shall be subject to all laws of this State now governing the agents, solicitors and collectors of all life insurance companies doing business in this State with respect to the matter of license from the Department of Insurance and Banking of this State, and especially as provided in Articles 4960, 4968, 4969, 4970, 4971, and 4972 Revised Statutes of 1911.

Senator Westbrook offered the following amendment which was read and adopted:

(7) Amend the bill on page 2 by striking out the period at the end of line 2 on said page, and add the following: "provided that no fraternal insurance company in this State shall write any policy unless they make a proper showing to the Commissioner of Insurance and Banking that they are in solvent condition."

The bill was read second time and failed to pass to engrossment by the following vote:

Yeas—7.

Clark.	Hopkins.
Dorough.	Parr.

Smith.	Witt.
Williford.	

Nays—17.

Bailey.	Floyd.
Buchanan of Scurry.	Hall.
Caldwell.	Johnston.
Carlock.	McNealus.
Cousins.	Page.
Dayton.	Strickland.
Dean.	Westbrook.
Dudley.	Woods.
Faust.	

Pairs Recorded.

Senator Hertzberg (present), who would vote nay; Senator Suiter (absent), who would vote aye.

Senator Alderdice (present), who would vote Aye; Senator Buchanan of Bell (absent), who would vote nay.

Senator Bell (present), who would vote aye; Senator Gibson (absent), who would vote nay.

Senator Dean moved to reconsider the vote by which the bill failed to pass to engrossment, and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 154.

The Chair laid before the Senate on second reading:

S. B. No. 154, A bill to be entitled "An Act to amend Article 1232 of the Penal Code of the State of Texas, of 1911, so as to make the same read 'Take or use,' and 'Take up or use,' and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Caldwell, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 154 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hall.
Bailey.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	Page.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent.

Bell. McNealus.

Absent—Excused.

Buchanan of Bell. Suiter.  
Gibson.

The bill was laid before the Senate read third time and, on motion of Senator Caldwell, was passed finally.

## Senate Bill No. 244.

The Chair laid before the Senate on second reading:

S. B. No. 244, A bill to be entitled "An Act amending Article 3003, Revised Civil Statutes of the State of Texas of 1911, as amended by Chapter 30, Acts of the Fourth Called Session of the Thirty-fifth Legislature, so as to prohibit the giving of any assistance to a voter in preparing his ballot except when such voter is unable to prepare the same himself because of some bodily infirmity which renders him physically unable to write, or is over 60 years of age, and providing that ballots prepared in violation of this Article shall be void; and declaring an emergency."

On motion of Senator Dean, the bill was laid on the table subject to call.

## Senate Bill No. 185.

The Chair laid before the Senate on second reading:

S. B. No. 185, A bill to be entitled "An Act to amend Article 233 of the Penal Code of the Revised Criminal Statutes of the State of Texas of 1911, forbidding candidates for office and other persons from paying the poll taxes of others, by striking out the words 'candidates for office' and changing the penalty, and declaring an emergency."

Senator Hertzberg offered the following amendment, which was read and adopted:

Amend S. B. No. 185 by striking out after the word "confinement," line 19, Section 1, the words "in the county jail for not less than ninety days nor more than one year, or by confinement."

The bill was read second time, and passed to engrossment.

On motion of Senator Woods the

constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 185 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hall.
Bailey.	Hertzberg.
Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Strickland.
Dayton.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent.

Dean. Smith.

Absent—Excused.

Buchanan of Bell. Suiter.  
Gibson.

The bill was laid before the Senate, read third time and, on motion of Senator Woods, was passed finally.

## Senate Bill No. 231.

The Chair laid before the Senate on second reading:

S. B. No. 231, A bill to be entitled "An Act to amend Title 15, Chapter 1, of the Penal Code of the State of Texas, adopted in 1911, by adding thereto Article 1019a, defining the offense of negligent assault and battery, fixing a penalty therefor, and declaring an emergency."

Senator Carlock offered the following amendment, which was read and adopted:

Amend S. B. No. 231, at the end of Section 1, line 32, by adding the following, "provided that this law shall be cumulative of all other laws upon this subject."

The bill was read second time, and passed to engrossment.

On motion of Senator Woods, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 231 put on its third reading and final passage by the following vote:



## Yeas—24.

Alderdice.	Hall.
Bailey.	Hertzberg.
Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Carlock.	McNealus.
Clark.	Page.
Cousins.	Parr.
Dayton.	Strickland.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

## Absent.

Caldwell.	Smith.
Dean.	

## Absent—Excused.

Buchanan of Bell.	Suiter.
Gibson.	

The bill was laid before the Senate, read third time and, on motion of Senator Woods, was passed by the following vote:

## Yeas—25.

Alderdice.	Hertzberg.
Bailey.	Hopkins.
Bell.	Johnston.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Carlock.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.
Hall.	

## Absent.

Clark.	Dean.
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## Absent—Excused.

Buchanan of Bell.	Suiter.
Gibson.	

## Senate Bill No. 220.

The Chair laid before the Senate on second reading:

S. B. No. 220, A bill to be entitled "Kerr County Road System—Creating," An Act subdividing said county into road districts and empowering any political subdivision or any defined district now or hereafter to be designated and defined of said county by a vote of two-thirds majority of

the resident property taxpayers, qualified voters of such political subdivision, or any defined district now or hereafter to be described and defined thereof, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time, and passed to engrossment.

On motion of Senator Hertzberg the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 220 put on its third reading and final passage by the following vote:

## Yeas—24.

Alderdice.	Hertzberg.
Bailey.	Hopkins.
Bell.	Johnston.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Carlock.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Hall.	Woods.

## Absent.

Clark.	Floyd.
Dean.	

## Absent—Excused.

Buchanan of Bell.	Suiter.
Gibson.	

The bill was laid before the Senate, read third time and, on motion of Senator Hertzberg, was passed by the following vote:

## Yeas—23.

Alderdice.	Hopkins.
Bailey.	Johnston.
Bell.	McNealus.
Buchanan of Scurry.	Page.
Carlock.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Hall.	Woods.
Hertzberg.	

## Absent.

Caldwell.	Dean.
Clark.	Floyd.

## Absent—Excused.

Buchanan of Bell.	Suiter.
Gibson.	

**Senate Bill No. 211—Set as Special Order.**

By unanimous consent and on motion of Senator Page, S. B. No. 211, the negotiable instruments bill, was set as a special order for next Thursday at the conclusion of the morning call.

**Senate Bill No. 229.**

The Chair laid before the Senate on second reading:

S. B. No. 229, A bill to be entitled "An Act to provide for the better enforcement of the traffic laws of this State, regulating the use of the public highways by motor vehicles; giving the Commissioners' Court in each county the right to employ one or more deputies to work under the Sheriff in the special enforcement of said law, to define the duties of said officers; to regulate their compensation and to provide that the expenses of said officers shall be paid out of the county's share of the registration fees received from the Highway Department; regulating the disposition of fines collected in the prosecutions contemplated by this Act, and declaring an emergency."

Senator Caldwell offered the following amendment, which was read:

Amend S. B. No. 229 by striking out Sections 5 and 6 and renumbering the remaining sections accordingly.

Senator Carlock moved to table the amendment, and this motion prevailed by the following vote:

**Yeas—17.**

Alderdice.	Hopkins.
Buchanan of Scurry.	Johnston.
Carlock.	Page.
Cousins.	Parr.
Dudley.	Smith.
Faust.	Westbrook.
Floyd.	Witt.
Hall.	Woods.
Hertzberg.	

**Nays—5.**

Bell.	McNealus.
Caldwell.	Williford.
Dorough.	

**Present—Not Voting.**

Dayton.	Strickland.
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Absent.

Bailey.	Dean.
Clark.	

Absent—Excused.

Buchanan of Bell.	Suiter.
Gibson.	

The bill was read second time, and passed to engrossment.

On motion of Senator Carlock the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 229 put on its third reading and final passage by the following vote:

**Yeas—22.**

Alderdice.	Hertzberg.
Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Cousins.	Parr.
Dayton.	Smith.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Hall.	Woods.

Present—Not Voting.

Strickland.

Absent.

Bailey.	Dean.
Clark.	Floyd.

Absent—Excused.

Buchanan of Bell.	Suiter.
Gibson.	

The bill was laid before the Senate, read third time and, on motion of Senator Carlock, was passed finally.

**Senate Bill No. 64.**

The Chair laid before the Senate on second reading:

S. B. No. 64. A bill to be entitled "An Act regulating the employment of women and minors and establishing an Industrial Welfare Commission to investigate and deal with such employment, including the fixing of a minimum wage; providing for an appropriation therefor, and fixing penalties for violating this Act, and declaring an emergency."

Pending.

**Adjournment.**

At 5:30 o'clock p. m., the Senate, on motion of Senator McNealus, adjourned until 10 o'clock, tomorrow morning.

**APPENDIX.****Petitions and Memorials.**

Senator Dorrough offered a petition and a telegram opposing House Bills No. 259 and 260 which would impose a tax on soft drinks.

Senator Smith offered a petition protesting against a bill by Senator Hall to state feed laws equivalent to Federal Statutes.

**Engrossing Committee Reports.**

Committee Room,  
Austin, Texas, Feb. 24, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 198 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 209 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,  
Austin, Texas, Feb. 24, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 179 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,  
Austin, Texas, Feb. 24, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 175 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,  
Austin, Texas, Feb. 24, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 191 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 184 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,  
Austin, Texas, Feb. 24, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 183 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,  
Austin, Texas, Feb. 24, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 180 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 137 carefully compared and find same to be correctly engrossed.

FAUST, Chairman

Committee Room,  
Austin, Texas, Feb. 25, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 194 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on En-

grossed Bills have had Senate Bill No. 131 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 227 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,  
Austin, Texas, Feb. 24, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 161 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 293 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 274 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

#### Enrolling Committee Reports.

Committee Room,  
Austin, Texas, Feb. 25, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills, have carefully examined and compared Senate Bill No. 195, copy of which is hereto attached, and find it correctly enrolled, and have this day at 10:40 o'clock a. m., presented the same to the Governor for his approval.

SMITH, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1919.  
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills, have carefully examined and compared Senate Bill No. 251, copy of which is hereto attached, and find it correctly enrolled, and have this day at 10:40 o'clock a. m., presented the same to the Governor for his approval.

SMITH, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, Feb. 25, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Insurance and Banking, to whom was referred Senate Bill No. 225, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Insurance and Banking, to whom was referred Senate Bill No. 284, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Insurance and Banking, to whom was referred Senate Bill No. 291, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,  
Austin, Texas, Feb. 25, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Insurance and Banking, to whom was referred House Bill No. 177, have had the same under consideration, and I am

instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,

Austin, Texas, Feb. 25, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Insurance and Banking, to whom was referred Senate Bill No. 285, have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,

Austin, Texas, Feb. 25, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 346, A bill to be entitled "An Act to increase the civil jurisdiction of the County Court of Haskell County, and declaring an emergency,"

Beg leave to report that we have had the bill under consideration, and I am instructed to report the bill favorably, with the recommendation that it do pass and be not printed.

DOROUGH, Chairman.

Committee Room,

Austin, Texas, Feb. 25, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 423, A bill to be entitled "An Act increasing the salary of the official Court Reporter for the Fourth Judicial District of Texas to the sum of eighteen hundred (\$1800) dollars per annum; providing the manner of payment of such salary, and declaring an emergency,"

Beg leave to report that we have had the bill under consideration, and I am instructed to report the bill favorably, with the recommendation that it do pass.

DOROUGH, Chairman.

Committee Room,

Austin, Texas, Feb. 25, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Military Affairs, to whom was referred House Bill No. 278, have had the same under consideration, and beg to refer

same back to the Senate with the recommendation that it do pass.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 25, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 310, A bill to be entitled "An Act prohibiting the screening of coal before being weighed, and providing penalties for violating this Act,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendment:

Amend the bill by adding after the period at the close of Section 1, the following: "provided that this Act shall not apply to the production of lignite coal."

STRICKLAND, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, Feb. 25, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 107, A bill to be entitled "An Act to amend Section 3, Chapter 60, of the General Laws of the Regular Session of the Thirty-fifth Legislature of the State of Texas, so as to confer power upon the Commissioners' Courts to disinfect any district, county or subdivision of a county for the purpose of eradication of fever-carrying ticks, and other contagious and infectious or communicable diseases of live stock; providing facilities, material and labor; providing funds for same, and declaring an emergency,"

Have had same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass.

Clark, Chairman; Dudley, Buchanan of Scurry, Bailey, Dorough, Parr, Bell.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 21, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Roads,

Bridges and Ferries, to whom was referred

S. B. No. 320, A bill to be entitled "An Act to amend Chapter 74, on pages 139 and 140, of the General Laws of the regular session of the Thirty-fifth Legislature of Texas, so as to prohibit the sale or offering for sale of road vehicles of certain carrying capacity with tires of less than the herein prescribed width within the State of Texas, fixing penalties for the violation thereof, and providing the time at which such Act shall take effect,"

Has had same under consideration, and I am instructed by a majority of the committee to report the said bill favorably, with recommendation that it do pass, with the following committee amendment:

Strike out the words "twenty-five hundred" where they occur in line 5 of Section 1 of said bill and insert in lieu thereof the words "two thousand."

WOODS, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 21, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 320, A bill to be entitled "An Act to amend Chapter 74, on pages 139 and 140, of the General Laws of the regular session of the Thirty-fifth Legislature of Texas, so as to prohibit the sale or offering for sale of road vehicles of certain carrying capacity with tires of less than the herein prescribed width within the State of Texas, fixing penalties for the violation thereof, and providing the time at which such Act shall take effect,"

Has had the same under consideration, and I, as a minority of said committee, beg leave to make an unfavorable report upon said bill, and to recommend that it do not pass.

I. E. CLARK.

Committee Room,

Austin, Texas, Feb. 24, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Roads Bridges and Ferries, to whom was referred

H. B. No. 181, Being a bill to be entitled "An Act amending Section 6, of Chapter 73, Acts of the Thirty-fifth Legislature, Fourth Called Session, approved April 3rd, 1918, and providing the compensation to be paid tax collectors for collecting of license and transfer fees on automobiles and motor vehicles and declaring an emergency,"

Have had said bill under consideration and I am directed to report the same back to the Senate with recommendation that it do pass.

WOODS, Chairman.

Committee Room,

Austin, Texas, Feb. 25, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred Senate Concurrent Resolution No. 26, the same being a Concurrent Resolution authorizing and directing the Secretary of State to dispose of the surplus sets of the Revised Civil Statutes and of the Penal Code and Code of Criminal Procedure of Texas, of 1911, and other accumulations of pamphlets and printed documents, now on hand in the office of the Secretary of State, at prices to be fixed in the Resolution and by the Secretary of State, and to preserve a sufficient number of copies of each and all of such publications for the files and records of said Department,

Have had same under consideration, and I am directed to report same back to the Senate with the recommendation that it do pass, and be not printed.

WILLIFORD, Chairman.

Committee Room,

Austin, Texas, Feb. 25, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Agricultural Affairs to whom was referred

S. B. No. 243, A bill to be entitled "An Act to repeal Chapter Six (6), Title Sixty-five (65), of the Revised Civil Statutes of Texas, 1911, the said chapter and title providing for the election of a Commissioner of Agriculture, prescribing his qualifications, duties and location and term of his office; providing that all duties functions and services required by said chapter and title to be performed and rendered by the Commissioner of Agriculture shall, from and after

the taking of effect of this Act, be rendered and performed so far as may be practical and necessary by the Agricultural and Mechanical College of Texas, and that this Act take effect and be in force from and after January 1, 1921."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

BELL, Chairman.

Committee Room,

Austin, Texas, Feb. 25, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

H. C. R. No. 32, "That the \$60,000,000 of cotton tax collected during the Civil War, be returned to the Confederate Soldiers by the National Government,"

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass.

BELL, Chairman.

Committee Room,

Austin, Texas, Feb. 25, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

S. B. No. 317, A bill to be entitled "An Act naming the Pecan as the Texas State tree, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass.

BELL, Chairman.

Committee Room,

Austin, Texas, Feb. 25, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

S. B. No. 223, A bill to be entitled "An Act re-writing, amending and repealing certain articles and parts of Chapter 6, Title 65, of the Revised Civil Statutes of 1911 of Texas; and repealing certain other sections therein; amending certain other sections, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass.

BELL, Chairman.

Committee Room,

Austin, Texas, Feb. 25, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 309, A bill to be entitled "An Act making an appropriation for heating, plumbing, fixtures, sewerage disposal, ice plant, laundry machinery, and for the erection of an industrial building, nurses' home, male chronic ward and female chronic ward for the Northwest Texas Insane Asylum in addition to the appropriation contained in Chapter 183, Acts of the Regular Session of the Thirty-fifth Legislature, and providing that such fund shall be expended under the direction of the building board created by the Act of the Thirty-fifth Legislature, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 25, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 141, A bill to be entitled "An Act making appropriations to cover authorized deficiencies for the fiscal years ending August 31st, 1918 and August 31st, 1919, and for outstanding deficiencies prior to September 1st, 1917, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 25, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 207, A bill to be entitled "An Act to make appropriation for the Prairie View State Normal and Industrial College, and declaring an emergency,"

Have had the same under consideration and I am instructed to report

the same back to the Senate with the recommendation that it do pass.

WESTBROOK, Chairman.

### THIRTY-SECOND DAY.

Senate Chamber,  
Austin, Texas, Feb. 26, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hall.
Bailey.	Hertzberg.
Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Parr.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Westbrook.
Dudley.	Willford.
Faust.	Witt.
Floyd.	Woods.

Absent.

Cousins.

Absent—Excused.

Buchanan of Bell. Sulter.  
Gibson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Alderdice.

Excused.

Senator Sulter was excused for today on account of important business on motion of Senator Hopkins.

### Petitions and Memorials.

There were none today.

### Standing Committee Reports.

See Appendix.

### Bills and Resolutions.

By Senator Dean:

S. B. No. 342, A bill to be entitled "An Act to amend Title 8, Chapter 7, of the Code of Criminal Procedure of the State of Texas of 1911, by adding thereto Article 801a relating to and providing that the purchaser of any intoxicant or any intoxicating liquor shall under no circumstances be regarded as an accomplice witness when testifying to a sale thereof prohibited by law and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Dean:

S. B. No. 343, A bill to be entitled "An Act to amend Articles 731 and 732 of the Revised Civil Statutes of the State of Texas, 1911, more definitely defined connecting carriers, making each of them an agent for the others, for certain purposes and fixing their contract relations to shippers, providing that bills of lading, waybills, receipts, checks or other instruments issued by either of such carriers or other proof showing receipt of freight, baggage or property for transportation, shall be prima facie evidence of the relations duties and liabilities of such carriers to the owners or shippers of such freight, baggage or other property transported, notwithstanding, contrary stipulations by any of such carriers; providing that all stipulations contrary to the provisions of this Act shall be void; fixing the liability of connecting lines for injury to or loss or delay of any freight, baggage or other property during transportation, providing that there shall be no apportionment of the damage in such suits, except at the plaintiff's request, and further providing for a recovery by the carrier sued by the owner or shipper against the carrier or carriers the loss or damage and providing in such latter action for an apportionment of damage, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Floyd:

S. B. No. 344, A bill to be entitled "An Act creating the Annona Independent School District in Red River